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REMARKS/ARGUMENTS

This application has been reconsidered carefully in light of the Office Action dated as mailed on 17 August 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

5 This response is timely filed as it is filed within the one (1) month shortened statutory period for response to the outstanding Office Action.

 This response is also accompanied with a check and/or authorization to charge deposit account for any additional claim fee due as a result of this Amendment because either the number of independent claims exceeds the number of independent
10 claims for which fees have previously been paid, the total number of claims exceeds the total number of claims for which fees have previously been paid, or both.

Amendment to the Claims

By the above,

- 15 1. claims 15-27 have been canceled without prejudice, and
 2. claims 41-54 have been added to more fully and completely claim the disclosed subject matter.

Newly added claim 41 finds support throughout the original specification such as at page 16, lines 1-3, for example.

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Newly added claims 42-54 generally parallel originally filed claims 15-27, respectively, but have been written to depend on claim 1.

Claims 1-14 and 28-54 remain in the application.

As preliminary matter, the withdrawal of the earlier non-final action mailed on 30 March 2004 is hereby acknowledged.

INTERVIEW SUMMARY

Additionally, the undersigned wishes to thank Examiner Felton for the courtesies extended during the above-identified telephonic discussion. Matters discussed during that telephonic discussion included:

1. the meaning of certain language in the earlier, now withdrawn, Office Action;
2. the significance of claim limitations regarding “homogeneous blend” versus prior art “mixing”;
3. the significance and meaning of the claim terminology “dry density” and “theoretical density”;
4. the prior art (i.e., Evans, Mendenhall, Timmerman and Jackson) cited and applied in the earlier, now withdrawn, Office Action relative to the claimed invention; and
5. the withdrawal of that earlier Office Action.

While agreement was not reached regarding the patentability of the pending claims, agreement was reached regarding the withdrawal of that earlier Office Action.

Election/Restrictions

Restriction has been required under 35 U.S.C. 121 to one of the following inventions:

- I. Claims 1-14 and 28-40, drawn to a charge composition, classified in class 149, subclass 19.7; and
- II. Claims 15-27, drawn to a process for making an initiator, classified in class 149, subclass 109.6.

The invention of Group I (i.e., claims 1-14 and 28-40) is provisionally elected with traverse to the extent that such restriction requirement might be applied or viewed as applicable to the claims rewritten as proposed above. More particularly, while method claims 15-27 have been canceled, claims 42-54, which claims are dependent on claim 1 and which claims are directed to a method for making a single increment initiator charge for use in an inflator device for an inflatable restraint system have been added.

The Action contends that Inventions I and II are related as process of making and product made. The Action further contends that the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. The Action then concludes that "In the instant case, the product can be made by extrusion."

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Without arguing whether or not the claimed product can or can not be made by extrusion, it is respectfully submitted that whether or not the claimed product can or can not be made by extrusion is not dispositive on the issue of whether the product as claimed can be made by another and materially different process. In this regard, method claim 42 simply requires:

preparing the homogeneous blend of claim 1;
loading the homogeneous blend into a charge holder; and
compressing the homogeneous blend to form a single increment initiator charge.

In view thereof, claims 1-15 and 26-54 are believed to be properly considered together and notification to that effect is solicited.

In any case, newly added claim 41 is properly believed considered with the claims of Group I and notification to that effect is solicited.

Applicant has further been required, for any Group elected, under 35 U.S.C. 121 to elect a single disclosed species based on the oxidizer and combustion enhancer for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Action further asserts that no claim currently appears to be generic.

In response to such election of species requirement, the following elections are made:

oxidizer	=	potassium perchlorate
combustion enhancer	=	titanium hydride

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Of the claims of Group I (i.e., claims 1-14 and 28-40), each of claims 1-14 and 28-40 is believed to read on the elected oxidizer, potassium perchlorate. Further, each of newly added claims 41-54 is also believed to read on the elected oxidizer, potassium perchlorate.

5 Moreover, of the claims of Group I (i.e., claims 1-14 and 28-40), at least each of claims 1-4, 6-13, 28-33, 35-38 and 40 is believed to be generic with regard to the oxidizer. Further, at least each of newly added claims 41-50, 52 and 54 is also believed to be generic with regard to the oxidizer.

10 Of the claims of Group I (i.e., claims 1-14 and 28-40), at least each of claims 1-9, 11-14, 28-36 and 38-40 is believed to read on the elected combustion enhancer, titanium hydride. Further, each of newly added claims 41-54 is also believed to read on the elected combustion enhancer, titanium hydride.

15 Moreover, of the claims of Group I (i.e., claims 1-14 and 28-40), at least each of claims 1-7, 12, 13, 28-34, 38, 40 is believed to be generic with regard to the combustion enhancer. Further, at least each of newly added claims 41-51 and 54 is also believed to be generic with regard to the combustion enhancer.

Applicant has still further been required, for any Group elected, under 35 U.S.C. 121 to elect whether the method involves dry blending or mixing with solvent for prosecution on the merits to which the claims shall be restricted if no

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generic claim is finally held to be allowable. The Action further asserts that no claim currently appears to be generic.

In response to such election of species requirement, the method involving dry blending is elected.

5 Of the claims of Group I (i.e., claims 1-14 and 28-40), at least each of claims 1-14, 28, 29 and 34-40 is believed to read on the elected method involving dry blending. Further, at least each of newly added claims 41-43 and 48-54 is also believed to read on the elected method involving dry blending.

Conclusion

10 It is believed that the above elections are properly responsive to the requirements contained in the Action and that the application is in condition for substantive examination. Should the Examiner detect any issue or have any question which might be resolved via a telephone discussion, the Examiner is kindly requested to contact the undersigned via telephone at (847) 490-1400, in an effort to expedite
15 examination of the application.

Respectfully submitted,



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